

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DEAN CLAY DRAKE,
Plaintiff,

v.

KARIM RASHEED, et al.,
Defendants.

Case No. [18-cv-02284-WHO](#) (PR)

ORDER OF TRANSFER

This federal civil rights action will be transferred to the Central District because that is where the incidents giving rise to this suit occurred.

Plaintiff Dean Clay Drake claims that a botched eye operation in 2014 permanently disfigured his eye. The surgery was performed in San Luis Obispo County by Dr. Steven Johnson, who appears to be under contract with the CDCR. He claims that a prior surgery, also performed in San Luis Obispo County, this time by defendant Karim Rasheed, injured his eye also. San Luis Obispo County lies in the Central District of California.

Drake's claims against the remaining defendants are DISMISSED for failure to state a claim. Plaintiff claims Drs. Gamboa and Tuvera, both physicians at Salinas Valley State Prison, are liable for recommending Dr. Johnson as a surgeon. This is insufficient to state a claim for relief. Nothing in the complaint indicates any basis for believing that Gamboa and Tuvera were deliberately indifferent to plaintiff's serious medical needs when

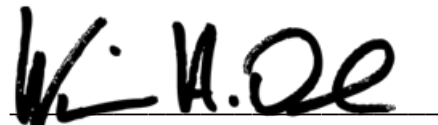
1 they recommended Johnson, or that they knew or had reason to know that he would botch
2 the surgery.

3 This action is TRANSFERRED to the Central District of California wherein venue
4 properly lies because a substantial part of the events or omissions giving rise to the claims
5 occurred, and the named defendants reside, there. *See* 28 U.S.C. §§ 84(c), 1391(b), and
6 1406(a).

7 The Clerk shall transfer this action forthwith and terminate all pending motions.

8 **IT IS SO ORDERED.**

9 **Dated:** September 13, 2018

10 
11 WILLIAM H. ORRICK
12 United States District Judge
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28